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REMARKS

Claims 15-31, 43-45 and 47-51 are pending. Claims 1-14, 32-42 and 46 have been canceled without prejudice.

Claims 15-19, 21, 23-31 and 44 and 47-50 and 52 were rejected under 35 USC 103 as being unpatentable over Nelson et al in view of Carninci et al. This rejection is essentially the same as previously.

The present invention may be viewed as something similar to an improvement on the Nelson et al or Carninci et al negative selection techniques. Those negative selection techniques may somewhat resemble steps a-d and maybe part of step e.

However, the Examiner has not pointed out where step f is shown in either reference. Particularly note the formation and use of a SECOND subgroup to subtract from each of the other subgroups and repeating the process with each further subgroup.

Furthermore, the examiner has not pointed out where the references perform step g. While the examiner has noted a pooling of clones in the references, the examiner has not shown where every subgroup is separately selected and pooled.

The examiner has argued that the minilibraries of Carninci et al are subsets of abundant cDNAs. However, having the subsets (be they the same or not) is not the same as using them in the claimed manner, such as the performance of step (f).

The differences between the prior art references and the present invention can be visualized in Figure 3 of the present application even though the details differ. The prior art references teach something similar to the steps represented by the dark bold arrows whereas the present invention uses the method of the dark

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bold arrows and the light arrows also. The rejection assumes the prior art teaches much more than it does. A detailed review of the steps being performed by the prior art references and those claimed would reveal the missing teaching.

Because the Examiner has not shown how the prior art teaches performing the claimed method, including steps e, f and g, the rejection should be withdrawn.

Claim 20 was rejected under 35 USC 103 as being unpatentable over Nelson et al in view of Carninci et al and further in view of Somerville et al. The reasons why the basic rejection is overcome are given above. Therefore, this dependant claim should stand with its independent claim and the rejection withdrawn.

Claim 22 was rejected under 35 USC 103 as being unpatentable over Nelson et al in view of Carninci et al and further in view of El-Meanawy et al. El-Meanawy et al adds nothing as to the normalization and handling of subgroups of cDNAs. Therefore, this dependant claim should stand with its independent claim and the rejection withdrawn.

Claims 51 and 53 were rejected under 35 USC 103 as being unpatentable over Nelson et al in view of Carninci et al in further view of Xu et al. Xu et al adds no further teachings to the process for producing a cDNA library using the claimed normalization and handling of subgroups of cDNAs. Therefore, this dependant claim should stand with its independent claim and the rejection withdrawn for reasons above.

In view of the amendments and comments above, the rejections have been overcome. Reconsideration, withdrawal of the rejections and early indication of

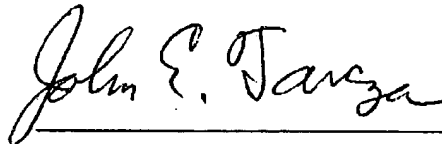
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allowance are respectfully requested. Should any further issues remain or the examiner wish clarification on the rather complex nature of the invention, the examiner is encouraged to contact the undersigned below.

The commissioner hereby is authorized to charge payment of any fees under 37 CFR § 1.17, which may become due in connection with the instant application or credit any overpayment to Deposit Account No. 500933.

Respectfully submitted,

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